

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CARMEN PEREZ-DICKSON,	:	
Plaintiff,	:	
	:	
v.	:	3:15-cv-00135-WWE
	:	
BRIDGEPORT BOARD OF EDUCATION,	:	
SANDRA KASE, and PAUL VALLAS,	:	
Defendants.	:	

MEMORANDUM OF DECISION ON DEFENDANTS' MOTION TO DISMISS

Defendants argue that the complaint filed in this case is duplicative of plaintiff's prior pending lawsuit: 3:13-cv-00198-WWE. Moreover, defendants contend that the instant action is nothing more than an attempt to avoid the consequences of plaintiff's failure to comply with the Court's orders in the prior case.

Plaintiff admits, "The factual predicate for the six counts [contained in the instant complaint] are based upon . . . the very claim that Defendants by sleight of hand contend is no longer available to Plaintiff in Case 3:13cv0000198-WWE." Moreover, plaintiff moved to consolidate the two cases, arguing that "the facts and circumstances underlying this cause of action and the cause of action set forth in Case 3:13cv-00198-WWE are inextricably intertwined." Finally, plaintiff contends that the instant action was necessary to "correct a scrivener's error in Case 3:13cv-00198-WWE."

"[P]laintiffs have no right to maintain two actions on the same subject in the same court, against the same defendant at the same time." Curtis v. Citibank, N.A., 226 F.3d 133, 139 (2d Cir. 2000). If a scrivener's error was made in 3:13cv-00198-WWE, it should be rectified there, not counteracted by a duplicative suit. Accordingly, defendants' motion to dismiss is GRANTED.

Dated this 8th day of September, 2015, at Bridgeport, Connecticut.

/s/Warren W. Eginton
WARREN W. EGINTON
SENIOR UNITED STATES DISTRICT JUDGE